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Public Disclosure Commission

**BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

In the Matter of Enforcement Action
Against
Mac Setter,

Respondent.

PDC CASE NO. 06-297

STIPULATION AS TO FACTS,
VIOLATIONS AND PENALTY
AS AMENDED BY THE PARTIES

COMES NOW the parties hereto, the Public Disclosure Commission Staff, through its Executive Director, VICKI RIPPIE, and the Respondent, MAC SETTER, and submit this Stipulation as to Facts, Violations and Penalty in this matter.

JURISDICTION

1. The Public Disclosure Commission has jurisdiction over this proceeding pursuant to Chapter 42.17 RCW, the Public Disclosure Act; Chapter 34.05 RCW, the Administrative Procedure Act; and Title 390 WAC.

FACTS

2. Mac Setter was a candidate in the September 14, 2004 primary election and the November 2, 2004 general election for Superior Court Judge in Whatcom County. Mr. Setter selected the full reporting option which requires frequent and detailed reports of contribution and expenditure activities. For the 2004 campaign, Mr. Setter had a campaign treasurer, Brian Halverson. Mr. Setter registered as a candidate on March 25, 2004. He first electronically filed C-3 and C-4 reports on August 16, 2004. He then filed on September 21, 2004 and October 19, 2004. He did not file again until January 27, 2006. During the 2004

campaign, Mr. Setter raised and spent \$57,468. Eighty-seven percent of the contributions were from his own personal funds.

2004 Late Reporting of C-4 Reports

3. Mr. Setter failed to timely file nine C-4 reports totaling \$56,985 in contributions and \$54,593 in expenditures. These reports were filed between 7 and 458 days late.

4. Expenditures totaling \$20,571, that were required to be reported 21 and 7 days before the primary election, were not reported until after the primary. Expenditures totaling \$25,301, that were required to be reported 7 days before the 2004 general election, were not reported until January 27, 2006. These late-reported primary and general election expenditures totaled \$45,872 and accounted for 80 percent of Mr. Setter's total campaign expenditures.

5. The following is a summary of the late-filed C-4 reports:

C-4 Reports	Due Date	Date Filed	Days Late	Amount of Contributions and/or Expenditures
March 2004	4/12/04	8/16/04	126	(C) \$15,002 (E) \$12
April 2004	5/10/04	8/16/04	98	(C) \$2,592 (E) \$314
May 2004	6/10/04	8/16/04	67	(C) \$375 (E) \$3,519
June 2004	7/12/04	8/16/04	35	(C) \$457 (E) 2,462
21-Day Pre-Primary	8/24/04	9/21/04	28	(C) \$15,800 (E) \$15,597
7-Day Pre-Primary (Partial)	9/7/04	9/21/04	14	(C) \$1,307 (E) 287

7-Day Pre-Primary (Partial)	9/7/04	10/19/04	42	(E) \$4,687
21-day Pre-General C-4	10/12/04	10/19/04	7	(E) \$2,066
7-Day Pre-General C-4	10/26/04	1/27/06	458	(C) \$21,152 (E) \$25,301
Post Election C-4	12/10/04	1/27/06	413	(E) \$348
December 2004 C-4	1/10/05	1/27/06	382	(C) 200
Feb. 2005 C-4	3/10/05	1/27/06	323	(C) \$100

2004 Late Reporting of C-3 Reports

6. The late filed C-3 reports totaled \$56,960 in contributions and were reported between 22 and 473 days late.
7. Contributions totaling \$17,100 that were required to be reported before the primary election were not reported until after the primary. Contributions totaling \$21,150 that were required to be reported before the general election were not reported until January 27, 2006. These late-reported primary and general election contributions totaled \$38,250 and accounted for 67 percent of Mr. Setter's total campaign contributions.
8. The following is a summary of the late-filed C-3 reports:

C-3 Reports – Deposit Dates	Due Date	Date Filed	Days Late	Amount of Contributions
3/31/04	4/12/04	8/16/04	126	\$15,000 (Candidate funds)
4/27/04	5/10/04	8/16/04	98	\$2,585
5/13/04	6/10/04	8/16/04	67	\$375
6/17/04	7/12/04	8/16/04	35	\$450

8/10/04	8/16/04	9/21/04	36	\$800
8/11/04	8/16/04	9/21/04	36	\$15,000 (Candidate funds)
8/26/04	8/30/04	9/21/04	22	\$1,300
10/8/04	10/11/04	1/27/06	473	\$20,000 (Candidate funds)
10/8/04	10/11/04	1/27/06	473	\$1,150
12/7/04	1/10/05	1/27/06	382	\$200
2/14/05	3/10/05	1/27/06	323	\$100

VIOLATIONS

The parties hereto stipulate to the following violations:

9. Mac Setter committed multiple violations of RCW 42.17.080 and .090 during his 2004 campaign by failing to timely file C-3 reports of contributions received, and by failing to timely file C-4 summary reports of contributions and expenditures.

PENALTY

10. Respondent and Staff agree that based upon the stipulated facts and agreement regarding multiple violations of RCW 42.17.080 and 42.17.090 above, the Respondent will accept an assessed total civil penalty of \$2,500. The parties also agree that \$500 of the assessed penalty will be suspended on the condition that the Respondent commits no further violations of RCW 42.17 for four years from the date of the Commission's final order. The Respondent agrees to pay \$1,000 of the non-suspended portion of the penalty within 30 days of the date of the Commission's final order in this matter, and to pay the remaining non-suspended portion of the penalty (\$1,000) within 60 days from the date of the Commission's final order.

1 11. The Respondent agrees to comply in good faith with all future reporting requirements in
2 accordance with RCW 42.17.

3
4 Stipulated to and dated this 13th day of June 2006.

5
6 
7 Vicki Rippie, Executive Director
8 Public Disclosure Commission

6/13/06
Date Signed

9
10 
11 Mac Setter

6/8/06
Date Signed